CENTER FOR Science IN THE Public Interest
Your Food and Health Watchdog

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Regulations and Ruling Division
Alcohol and Tobacco Tax and Trade Bureau
1310 G Street NW. Box 12
Washington, DC 20005

Comment on Proposed Rule: Alcohol Facts Statements in the Labeling of Wines, Distilled Spirits, and Malt Beverages (Docket No. TTB-2025-0002)

The Center for Science in the Public Interest (CSPI) respectfully submits the following comments on the Alcohol and Tobacco Tax and Trade Bureau's (TTB's) proposed rule on alcohol facts statements in the labeling of wines, distilled spirits, and malt beverages. CSPI is a non-profit consumer education and advocacy organization that has worked since 1971 to improve the public's health through better nutrition and safer food. CSPI publishes *Nutrition Action* and is supported by the subscribers to *Nutrition Action*, individual donors, and foundation grants. CSPI is an independent organization that does not accept any corporate donations.

Overall, we support this rule as a major step forward for transparency on alcoholic beverages that will allow consumers to make more informed choices about their alcohol purchases and TTB should move swiftly to finalize this rule. However, consumers need more information about nutrition and alcohol content beyond what has been proposed.

Background

CSPI has a long history of advocating for greater transparency on alcohol and has called for alcohol content and nutrition information labeling for over two decades. In 2003, CSPI, the National Consumers League (NCL), Consumer Federation of America (CFA), and 66 other health and consumer organizations filed a citizen petition calling on TTB's predecessor to require a standardized "Alcohol Facts" label (including percent alcohol by volume (%ABV), serving size, amount of alcohol per serving, servings per container, calories, ingredients, and the Dietary Guidelines for Americans (DGA) advice on moderate drinking) on all beer, wine, and distilled spirits.[1] In 2005, TTB requested public comments on alcohol labeling,[2] and in 2007, TTB issued proposed rules for mandatory "Serving Facts,"[3] but these rules were never finalized. Instead, in 2013, TTB published a ruling allowing voluntary nutrition and alcohol content labeling.[4] In October 2022, CSPI, NCL, and CFA filed a lawsuit demanding a long-overdue response to our 19-year-old citizen petition.[5]

The proposed rule, published by TTB in January 2025, would require an "Alcohol Facts" statement to be present on all TTB-regulated alcoholic products. The proposed "Alcohol Facts" panel includes "alcohol content expressed both as a percentage of alcohol by volume and in fluid ounces of pure ethyl alcohol per serving, the number of calories, and the number, in grams, of carbohydrates, fat, and protein, per serving."[6] It also allows for a sugar content statement as an optional aspect of the "Alcohol Facts" statement. The rule establishes "tolerance ranges" for each

"Alcohol Facts" panel element, including updates to %ABV tolerance ranges and allows the "Alcohol Facts" statement to be provided in either block or linear format and in either a vertical or horizontal position. Additionally, it sets forth serving size reference amounts, some additional formatting requirements/options, including optional dual-column labeling. The rule specifies that this information must appear on-package and that provision of this information solely via QR code is not allowed.

Position Summary

In this comment, we convey the following main points:

- We agree that the "Alcohol Facts" panel should include serving size, servings per container, %ABV, and calories, carbohydrates, fat, and protein in grams. The disclosure should also include total sugars in grams, added sugars in grams, saturated fat in grams, sodium in milligrams, percent Daily Value for each nutrient based on a 2,000-calorie diet, number of standard drinks per container (instead of the proposed number of fluid ounces of pure ethyl alcohol per serving), the conversion between standard drinks and fluid ounces of pure ethyl alcohol, and specific, actionable moderate drinking advice (*see, e.g., Figure 1 below*). We refer to the above elements as: CSPI's Proposed Alcohol "Serving Facts" Label.
- We agree with the proposed serving size reference amounts and the proposal that containers with less than 200% of a single serving should be labeled as a single serving.
- We disagree with the decision to make dual-column labeling voluntary. Dual-column labeling should be mandatory to further assist consumers in understanding the contents of alcohol products they purchase.
- We disagree with the proposed 5-year compliance period. TTB should adopt a shorter compliance period of 3.5 years, as this would strike a better balance between providing consumers with information they require and minimizing cost to industry.
- We agree that the "Alcohol Facts" disclosure should be required to appear on-package and never solely via electronic means (e.g., a QR code leading to a webpage), as this would place a barrier between consumers and this vital information and specifically disadvantage populations that are less able to utilize smart phones or similar technology (e.g., those who are older, lower income, or living rurally or on tribal land).

Figure 1. CSPI's preferred "Serving Facts" label

Serving Facts

Serving size 12 fl oz (360 mL) **5% alc/vol**
2 servings per container
Standard Drinks*: 1 per serving/2 per container

	Per serving		Per container	
Calories	190		380	
		%DV**		%DV**
Total Fat	0g	0%	0g	0%
Saturated Fat	0g	0%	0g	0%
Sodium	20mg	1%	35mg	2%
Total Carb.	22g	8%	44g	16%
Total Sugars	18g		36g	
Incl. Added Sugars	16g	32%	32g	64%
Protein	0g		0g	

The Dietary Guidelines for Americans recommend that adults who choose to drink should limit intake to ≤ 2 standard drinks/day for men and ≤ 1 standard drink/ day for women (on days when alcohol is consumed).

*A standard drink contains 0.6 fl oz of pure alcohol.

**The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Source: Label image generated by CSPI based on the Nutrition Facts label of a 24-ounce can of Angry Orchard Crisp Apple Hard Cider

Figure 2. Vodka label for 750 mL bottle of 80 proof distilled vodka using (left) CSPI's preferred "Serving Facts" label and (right) TTB's proposed "Alcohol Facts" label

Serving Facts

Serving/standard drink* size: 1.5 fl oz (44 mL) **40% ABV**
25 servings/standard drinks per container

Calories	100	
		%DV**
Total Fat	0	0%
Total Carb.	0	0%
Protein	0	0%

The Dietary Guidelines for Americans recommend that adults who choose to drink should limit intake to two standard drinks or less in a day for men and one standard drink or less in a day for women (on days when alcohol is consumed.

*A standard drink contains 0.6 fl oz of pure alcohol.

**The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

***Not a significant source of saturated fat, sodium, total or added sugars.

Alcohol Facts

Serving size	1.5 fl oz (44mL)
Servings per container	25

	Amount per serving
Alcohol by volume	40%
fl oz of alcohol	0.6
Calories	100
Carbohydrate	0g
Fat	0g
Protein	0g

Source: Label images generated by CSPI.

Our detailed comments are as follows:

1) Improving alcohol labeling is a commonsense approach for promoting transparency, health, and safety.

Excess alcohol consumption is associated with various harms including injuries,[7] motor vehicle accidents, liver disease, cardiovascular disease, and certain cancers.[8] Alcohol is also calorie-dense and on average accounts for 9% of daily calories for those who drink.[9] Many alcoholic beverages also contain carbohydrates, sugars, and other nutrients to limit. All other products we consume have basic nutrient, calorie, food allergen, and ingredients information.

Alcohol content labeling is a simple tool that increases consumer awareness of the contents of alcoholic beverages[10] and could potentially impact drinking behavior.[11] Many alcohol industry members are willing and able to label their products, as evidenced by the wide adoption of the Brewers' Voluntary Disclosure Initiative, which has resulted in 95% of the beer (by volume) of the top beer brands voluntarily providing nutrition information on their labels.[12]

Recent polling shows that the majority of consumers want access to alcohol content and nutrition information and would find it helpful when making purchasing decisions about alcoholic beverages.[13] In March 2024, Big Village's CARAVAN U.S. Online Omnibus Survey (commissioned by CSPI) was administered to a nationally representative sample of U.S. adults, demographically balanced to represent the U.S. Census on age, sex, geographical region, race, and ethnicity. Of the 1,924 respondents, 1,509 (78%) reported consuming a drink containing alcohol in the past year. Of those who reported consuming at least one drink in the past year, a majority said they either strongly support or somewhat support policies to require alcohol content (77%), serving size (67%), calorie content (66%), and nutritional content (64%) information on alcohol labels. Arming consumers with this additional information would help them make comparisons between products and could increase competition in the marketplace.

Manufacturers are currently allowed to provide alcohol content and nutrition information on a voluntary basis, but uptake is low and uneven across products. CSPI conducted an analysis, published in 2023, of available labels from the top 150 beer brands (of which 65 brands had labels available) and top 100 wine brands (of which 67 brands had labels available) by 2020 sales volume. The analysis found that the statement of average analysis, which contains calories, carbohydrates, protein, and fat, was present on 63% of beers and only 1% of wines.[14] The voluntary "Alcohol Facts" label, which includes %ABV, serving size, servings per container, and per-serving and per-container information about fluid ounces of alcohol, was present on only 2% of beer and 0% of wine labels. Even when this information was present, on most labels it was presented in formatting that poses a challenge to consumers, such as vertical layout (62%), continuous format (95%), and use of all uppercase letters and a crowded layout (60%).

Below, we provide input on selected questions posed by TTB in its proposed rule, with an emphasis on the importance of mandatory, comprehensive, on-package labeling.

2) "Serving Facts" is the preferable title for the Alcohol Beverage Information Statement.

TTB is soliciting feedback on whether the title "Serving Facts" or "Alcohol Facts" best describes the information provided. While either option is acceptable, "Serving Facts" is preferable, as it indicates that it is providing per-serving information and has the added benefit of implying that the information may not just be about the alcohol content, but about other ingredients as well. This is also aligned with how consumers are accustomed to finding this information on alcohol products, as the voluntary statement of average analysis is titled "Serving Facts."

3) The proposed serving size reference amounts are appropriate.

The proposed "Alcohol Facts" panel bases serving size on the serving sizes provided in the TTB Ruling 2013-2 (*see Figure 3*).[4] TTB is soliciting feedback on the appropriateness of these serving size reference amounts compared to those in a previous ruling (TTB ruling 2004-1). We agree that these reference amounts are appropriate. However, to avoid consumer confusion they must be combined with the requirement, which TTB has proposed, that containers with up to 200% of a serving be labeled as a single serving, plus mandatory dual-column labeling for containers with up to 500% of a single serving (TTB has proposed optional dual column labeling) (*see section 6 below*). These three things combined will facilitate optimal consumer understanding of the content of each product.

Figure 3. Serving sizes set forth in TTB Ruling 2013-2

Serving Size	Alcohol Percent by Volume		
	Wine	Distilled Spirits	Malt Beverages
1.5 fl oz (44 ml), or 50 ml for 50 ml containers of distilled spirits		Above 24%	Above 24%
2.5 fl oz (74 ml)	Above 16 to 24%	Above 16 to 24%	Above 16 to 24%
5 fl oz (148 ml)	7 to 16%	Above 7 to 16%	Above 7 to16%
12 fl oz (355 ml)		Not more than 7%	Not more than 7%

Source: TTB Ruling 2013-2: Voluntary Nutrient Content Statements in the Labeling and Advertising of Wines, Distilled Spirits, and Malt Beverages. https://www.ttb.gov/images/pdfs/rulings/2013-2.pdf

The serving sizes set forth in TTB Ruling 2013-2 are appropriate because they account for the fact that alcoholic beverages come in a wide variety of strengths, even across alcohol types. An earlier 2004 ruling by TTB, which set forth serving sizes of 1.5 fluid ounces for distilled spirits, 5 fluid ounces for wines, and 12 fluid ounces for malt beverages, regardless of the alcohol content,[15] lacks the nuance needed to account for the wide variety of products on the market. For example, under the 2004 rule, both unfortified wine and fortified wines would have a 5 ounce serving, despite the fact that fortified wines can contain up to 25% ABV and have an average of 18% ABV compared to an average of 12% ABV for unfortified wines.[16] While unfortified wine is typically served in 5-ounce pours, fortified wines are typically served in 3-ounce pours,[17] which better aligns to the 2013 serving sizes. Additionally, as the 2013 ruling points out,[4] under the 2004 ruling, the serving size for distilled spirits (which are in a canned cocktail) would be 1.5 ounces regardless of %ABV of the full product. But, unlike pure distilled spirits, canned

cocktails are commonly consumed in 12-ounce cans and, by nature of being diluted with mixer, often have a far lower %ABV. The serving sizes put forth in the 2013 ruling are the better option because they account for variations in strength within each alcohol category and generally align better with how these beverages are typically consumed (i.e., higher %ABV beverages tend to be offered in smaller servings).

One drawback to the 2013 serving sizes, that can be offset by dual-column labeling, is that if a consumer fails to notice that a higher %ABV products has a smaller serving size when comparing to a lower %ABV product the high %ABV product could appear to be the lower calorie option, when in fact it would have more calories if consumed in equal amounts. Because the proposed serving sizes are the best option but will not always perfectly align with how beverages are consumed, dual-column labeling should be mandatory when a container holds up to 500% of a single serving (*see section 6*).

TTB is also soliciting feedback on making the serving size reference amount equal to an alcoholic drink equivalent of 0.6 fluid ounces of alcohol, but this does not align with the way in which these beverages are typically consumed and would be confusing. For example, unfortified wine is usually served in a 5-ounce pour, regardless of %ABV. If the serving size for the Alcohol Facts panel were made equal to 0.6 fluid ounces of alcohol, a 7% ABV wine would have an 8.6-ounce serving size and a 16% ABV wine would have a 3.8-ounce serving size. Even with rounding, this might make it difficult for consumers to estimate nutrition and alcohol serving information for the amount that they are actually consuming.

4) **Dual-column labeling should be mandatory and containers with less than 200% of a serving should be labeled as a single serving.**

We agree with the proposed requirement that beverages packaged in containers with less than 200% of a single serving size reference amount be labeled as a single serving. This will result in more containers that are commonly consumed on a single occasion being labeled as a single serving. For example, a 16-ounce 4.2% ABV Bud Light[18] can that contains 133% of a 12-ounce serving would simply be labeled as one serving.

If the product contains multiple servings, the label should also state the number of servings per container and dual-column labeling should be mandatory. The number of standard drinks should be listed per serving and per container (*see Fig. 3 below*). TTB's proposed rule allows voluntary dual-column labeling for containers of up to five servings. This differs from FDA's dual-column labeling approach, which is mandatory and applies to products containing more than two and up to three servings per container.[19] Mandatory dual-column labeling is important to prevent consumer confusion that may arise from basing serving size for alcohol on %ABV. For example, in Figure 4, both Guinness beers are in 12-ounce bottles, but the Extra Stout has a 12-ounce serving size and the Foreign Extra Stout has a 5-ounce serving size due to its higher %ABV. If calorie information is given solely per serving, the Foreign Extra stout would appear to have fewer calories, but the dual-column labeling makes it clear that the whole bottle contains more calories.

Figure 4. Comparison of Servings, Standard Drinks, and Calories per Container between a 12-oz bottle of Guinness Foreign Extra Stout (left) and a 12-oz bottle of Guinness Extra Stout (right)

Serving Facts		
Serving size 5 fl oz (148 mL) **7.5% alc/vol**		
2.4 servings per container		
Standard Drinks: **0.6 per serving/1.5 per container**		
	Per serving	**Per container**
Calories	**81**	**194**

Serving Facts	
Serving size 12 fl oz (360 mL) **5.6% alc/vol**	
1 serving per container	
Standard Drinks: **1.1 per serving**	
	Per serving
Calories	**180**

Source: images from https://www.guinness.com/en-us/beers/guinness-foreign-extra-stout (left) and https://www.kroger.com/p/guinness-extra-stout-import-beer/0008382023482 (right); tables generated by CSPI.

TTB should require dual column labeling on products containing up to 5 servings and allow voluntary dual-column labeling on products containing more than 5 servings. Requiring dual-column labeling on products with up to five servings is important to clearly communicate the nutrition and alcohol content on alcoholic beverages that are often consumed in one sitting but packaged in non-resealable containers up to 5 servings. For example, "Voodoo Ranger," an imperial IPA of 9% ABV from New Belgium brewery, can be found in 19.2-ounce cans.[20] Based on the proposed reference serving size of 5 ounces, each can contains approximately 4 servings, but it is not resealable.

Dual-column labeling should additionally be voluntary on containers larger than 5 servings, as this will allow manufacturers to provide more information to consumers. This may be especially useful in rare cases where the manufacturer may have an expectation that more than 5 servings are likely to be consumed in a single sitting, such as when an unusually high %ABV beer is sold in larger sized cans and bottles. For example, Evil Twin 120 Days Dry Aged Stout is 17.5% ABV and sold in pint sized cans.[21] With a 2.5-ounce serving size, it has 6.4 servings and is not resealable. Optional dual column labeling would be useful on products such as these to further inform the consumer.

TTB asks whether consumers might interpret dual-column labeling as a recommendation to drink a whole container. A consumer's decision to consume an entire container may be influenced by multiple factors, including the container design, the environment in which the container is purchased and consumed, and product marketing. We are not aware of any studies indicating that dual-column labeling independently influences consumers' risk of consuming an entire container, and such labeling provides additional information to consumers, which may be useful in informing purchasing and consumption decisions. We therefore find no strong rationale for preventing this form of labeling as a voluntary practice. Inclusion of additional information, such as the number of standard drinks and the footnote with specific, actionable moderate drinking guidelines (discussed above), could further prevent this confusion. TTB could also consider requiring an additional footnote explaining that the dual-column label does not mean that the container is meant to be consumed in one sitting. While such a footnote is not required by FDA, overconsumption of alcohol has more severe consequences.

5) Alcohol Content Information

Most adults who drink support mandatory alcohol content labeling and believe this information is important for making purchasing decisions. As mentioned above, a poll of U.S. adults who drink alcohol found that 77% of respondents support policies to require alcohol content information on alcohol labels and 90% indicated that it was at least "somewhat important" when making alcohol purchasing decisions (with 39% ranking it as "extremely important").[13] Currently, this information is not required on all alcoholic beverages and when present can be difficult to find.

Data from the 2017-2018 National Health and Nutrition Examination Survey (NHANES) show that approximately 9% of adults drank in excess of DGA recommendations.[22] A literature review found that consumers tend to pour larger drinks when asked to estimate a standard drink, and struggle to use %ABV and pour size to estimate their intake.[23] Alcohol content information, such as standard drinks, can help improve consumer awareness of the amount of alcohol they are consuming.[10,23]

a. Consumers need more information on alcohol content than the proposed mandatory statement of fluid ounces of pure alcohol per serving.

The proposed rule requires a statement of the fluid ounces of pure ethyl alcohol per serving in the "Alcohol Facts" statement. Under the current labeling system, if a consumer wants to know how many standard drinks are in a product, they must use the %ABV to calculate fluid ounces of pure ethyl alcohol and then divide by 0.6. Under the proposed labeling system, which would require the number of fluid ounces of pure ethyl alcohol, gets consumers one step closer to the information they want. However, fluid ounces of pure ethyl alcohol will likely not be useful to consumers as they are unlikely to know that 0.6 fluid ounces of pure ethanol equals a standard drink.[23] In addition, even if the conversion is provided, converting this information into standard drinks still requires consumers to perform division using decimal fractions. A 2024 report from the National Center for Education Statistics found that about one third of U.S. adults tested lacked the skills necessary to perform calculations using decimals and fractions.[24,25] Fluid ounce information is therefore unlikely to be useful or material to consumers in making purchasing and

consumption decisions, particularly if those decisions are being made under a state of intoxication.

Instead, to improve the ability of consumers to understand the amount of alcohol they are consuming, the "Alcohol Facts" panel should include the number of standard drinks per serving and a footnote stating, "A standard drink contains 0.6 fl oz of pure alcohol." This would be better understood than the amount of alcohol in fluid ounces, as most public health advice is framed around "standard drinks," so consumers are likely more familiar with this concept. When standard drinks and serving size are equivalent (as will be the case for many distilled products) this information could be combined into one line reading "serving/standard drink size" to save space.

For additional context, the footnote should also include specific, actionable moderate drinking advice, such as the statement: "The Dietary Guidelines for Americans recommend that adults who choose to drink should limit intake to two standard drinks or less in a day for men and one standard drink or less in a day for women (on days when alcohol is consumed)"[26] in bold, as illustrated in Figure 1 (above).

Consumers can only follow moderate drinking advice to the extent they are aware of it and including it on the label of alcoholic beverages would improve awareness while also providing a frame of reference for the standard drink information. Research shows that consumers respond best to a combination of types of alcohol content information. An experimental study found that labels that include both standard drink information and low-risk drinking guidelines helped participants more accurately estimate the amount of alcohol in a standard drink, the number of standard drinks in a container, and how many drinks could be consumed before reaching the low-risk drinking limit, compared to labels that only included %ABV.[27]

A combination of mandatory standard drinks, a conversion factor explaining what counts as a standard drink, plus specific, actionable moderate drinking guidelines would best provide consumers with information that they can utilize in purchasing decisions and could reduce the risk of overconsumption leading to alcohol-related injury and death.

b. The alcohol content statement should be part of the "Alcohol Facts" Statement.

We agree with TTB's proposal to require the alcohol content statement be part of the "Alcohol Facts" statement. Alcohol content statements are used by consumers to make decisions about what and how much to drink. When consumers have easy access to this information, they can make more informed purchasing and consumption choices that can ultimately prevent accidents and deaths that would have resulted from unintentional excess consumption. As mentioned above, polling data show that consumers desire this information to inform purchasing decisions, but for consumers to be informed they need to first notice and understand this information. To increase the likelihood that consumers notice this information, it should be a mandatory part of the "Alcohol Facts" statement.

6) In addition to the nutrition elements proposed, consumers need sugar, added sugar, saturated fat, and sodium information included on the "Alcohol Facts" label.

When providing nutrition information on alcoholic beverages, it is important to inform consumers of nutrients of concern but to avoid highlighting positive nutrients in a manner that could mislead consumers into purchasing alcohol based on a false belief that alcohol is an important source of nutrition. Alcohol is a carcinogen, and increased intake increases the risk of multiple cancers.[28] Additionally, alcohol consumption at high levels has been shown to decrease absorption of various micronutrients, including thiamine and folate, by changing how they are absorbed in the digestive tract.[29] While the main health risk from drinking alcohol is the alcohol itself, alcohol is also a substantial contributor to average daily calorie intake for those who drink it,[9] and can be high in nutrients of concern, such as added sugars, saturated fat, and even sodium. These nutrients to limit should be highlighted to improve consumers' ability to make informed purchasing decisions. However, while positive nutrients, such as Vitamin C, may be present in alcohol at times, they should not be included on alcohol labels as this could mislead consumers into drinking more alcohol based on a false understanding of its impact on health. This would be consistent with TTB's prohibition of any statement on alcohol that is untrue or that "tends to create a misleading impression as to the effects on health of alcohol consumption."[30–32]

TTB's proposed rule requires the number of calories, and the grams of carbohydrates, fat, and protein, per serving as part of the "Alcohol Facts" statement. While the proposal is an improvement over the status quo of voluntary disclosure, additional information on nutrient content is necessary for consumers to make informed choices about their health and should be made mandatory.

a. Consumers want more nutrition information on alcohol.

Polling data show that consumers want this information and would find it useful when making purchasing decisions. In a poll of U.S. adults who drink (described above), respondents said they would support policies to require mandatory labeling of calorie content (66%) and nutritional content (64%).[13] And the majority of respondents said calorie (78%) and nutritional labeling (78%) would be at least "somewhat important" when deciding whether to purchase a particular alcoholic beverage. Without the Alcohol Facts label, consumers do not have adequate information about the content and quality of alcoholic beverages to make informed purchasing decisions.

b. In addition to the proposed requirements for calories, carbs, fat, and protein, consumers would benefit from consistent access to information on total sugars, added sugars, saturated fat, and sodium (discussed in detail below).

i. Total Sugars/Added Sugars

TTB's proposed rule includes mandatory disclosure of grams of carbohydrates and provides the option for sugar disclosure but leaves out added sugars entirely. Added sugars information is important because the DGA recommend limiting added sugars to less than 10% of calories (about 50 grams for the 2000-calorie reference diet), whereas there is no limit for total sugars.[26] In order to follow dietary guidelines, people need to know how much added sugar they are

consuming. The average American adult consumes about 72 grams of added sugar per day, about 40% more than the recommendation.[33] Overconsumption of foods and beverages high in added sugars is linked to increased risk of type 2 diabetes[34–36] and cardiovascular disease[37–39] in part by increasing the risk of weight gain,[40] and can contribute to dental decay.[41]

Consumers are interested in sugar information. According to the 2019 FDA Food Safety and Nutrition Survey (FSANS), 71% of respondents said they are trying to reduce their sugar intake. And when looking at nutrition labels 52% look for total sugars and 34% look for added sugars.[42]

Meanwhile, many alcoholic beverages are high in sugar. Winemakers are allowed to add substantial amounts of sugar after fermentation. As per TTB regulations, added sugar can account for up to 21% of a wine's total weight.[43] And while pure distilled liquor is sugar free, products containing liquor, such as liqueurs and canned cocktails, can be especially high in sugar. For example, a 2.5-ounce serving of the liqueur Kahlua contains 30 grams of sugar[44] and a 12-ounce can of Cutwater Pina Colada contains 32 grams of sugar.[45] If these are all added sugars, that is over half of the recommended daily limit in a single serving of each.

If the proposed rule is published without amendment, the lack of consistency with labeling of FDA-regulated alcoholic products, which includes added sugars, could lead to confusion. For example, if a consumer is accustomed to seeing total and added sugars disclosed on hard seltzer products and then sees an "Alcohol Facts" panel on a canned cocktail that includes some nutrient information but no line for sugar or added sugars, they may assume it means the canned cocktail contains no added sugars or even no sugar at all. Without a combination of carbohydrates, total sugars, and added sugars labeling, consumers are not equipped with the information they need to select products that fit with their dietary and health goals.

ii. Saturated Fat

The current proposed rule requires disclosure of total fat but does not even mention saturated fat. While the proposed rule provides an extensive explanation of how TTB arrived at other similar decisions (e.g., whether to include sodium and sugar content in the alcohol facts panel), there is no explanation of why TTB chose to include total but not saturated fat. The agency is instead soliciting feedback on whether any additional information on fat should be included.

The focus on total fat over type of fat is misaligned with the DGA, which focus on type of fat instead of total fat. Indeed, in 2015, the DGA stopped emphasizing total fat and changed the focus to limiting saturated fat.[46,47] The Scientific Report of the 2025 Dietary Guidelines Advisory Committee reaffirmed advice from previous years to "limit foods and beverages higher in saturated fat and to limit total saturated fat intake to less than 10 percent of calories per day starting at age 2 by replacing it with unsaturated fat, particularly [polyunsaturated fatty acids]."[48]

Consumers are interested in this information and fat and saturated fat are present in some alcoholic beverages. In the 2019 FDA FSANS, 43% of respondents reported that they look at total fat on the Nutrition Facts label, and 30% look at saturated fat.[42] While many alcoholic beverages contain no fat, consumers might be unaware that some contain high amounts of saturated fat. For example, Baileys Irish Cream has 7 grams of total fat per 1.7 ounce serving, of which 4 grams are saturated fat (20% of the recommended daily value),[49,50] making this product

"high" in saturated fat by FDA standards. Cutwater Espresso Martini, a canned cocktail, contains 14 grams of total fat per 12-ounce can but does not disclose how much of that is saturated fat.[51] For both products, this information is only available online with no on-bottle indication that the information is available. To improve transparency and allow consumers to make informed choices, TTB should mandate that both fat and saturated fat appear on the "Alcohol Facts" label.

iii. Sodium

The current proposed rule does not include any micronutrients, and for the most part we agree with this choice (see below). However, disclosure of sodium content should be mandatory given consumer interest and the strong need for sodium reduction at the population level. Dietary sodium is an important nutrient to monitor due to the connection between excess sodium intake, increased blood pressure, and development of cardiovascular disease.[52] The DGA recommend that adults adhere to a 2,300 milligrams daily sodium limit[26] but, according to data from 2021-2023 National Health and Nutrition Examination Survey, Americans ages 20 and older consume far more, an average of 3,212 milligrams per day.[53] Reducing sodium intake by 1,200 milligrams per day could prevent an estimated 44,000 to 92,000 deaths from any cause and prevent 32,000–66,000 strokes, 54,000–99,000 myocardial infarctions, and 60,000–120,000 cases of coronary heart disease.[54]

Consumers are interested in this information and may not know that sodium is present in some alcoholic beverages. Data from the 2019 FDA FSANS show that 46% of consumers are watching their sodium intake and 49% look at sodium on the Nutrition Facts label.[42] While many alcoholic beverages have little to no sodium, some canned cocktails contain considerable amounts, such as Cutwater Spicy Bloody Mary, which has 390 milligrams of sodium (17% DV) per 12-ounce can.[55] Also, the Gose style of beer is traditionally salted. SeaQuench, a popular Gose beer by Dogfish Head Craft Brewery, contains 105 milligrams of sodium (5% DV) in a 12-ounce serving.[56] Consumers who seek to limit their sodium intake rely on labels to monitor the sodium content of products and would benefit from sodium labeling on alcoholic beverages.

c. All nutrition information should be mandatory, provided consistently, and accompanied by percent Daily Value information.

As mentioned above, a CSPI analysis of top beer and wine brands found that the voluntary statement of average analysis was present on 63% of beers and only 1% of wines.[14] The option to provide nutrition information voluntarily has been available to industry since 2013.[4] It will not become consistently available to consumers unless it is required.

TTB is soliciting feedback on whether certain nutrients should be listed only if present at specific levels. The current proposal requires all nutritional elements to be listed as part of the "Alcohol Facts" label, regardless of amount. Some producers might argue that because products in their beverage category rarely or never contain fat, they should not have to label fat content. We recognize that many consumers may not expect alcoholic beverages to be a source of fat, outside certain categories (e.g. cream-based liqueurs). However, understanding when a product contains 0 grams of a nutrient may be informative for consumers seeking to track their intake. One option that could help provide consumers with information while focusing on nutritional elements that are most informative would be for TTB to build on an approach already used by the FDA for

some nutrients,[57] and allow products containing a zero in certain nutrients (e.g., saturated fat, added sugars), to omit that nutrient and instead bear a footnote stating, "Not a significant source of_____."

TTB should also follow FDA's lead and require the percentage of the Daily Value (%DV) of the listed nutrients (when applicable) as %DV provides context for the amount of each nutrient present.

d. Additional harmonization with FDA labels would not be beneficial.

TTB is also soliciting feedback on whether it should harmonize the "Alcohol Facts" label with FDA's "Nutrition Facts" label and whether numerical statements of the vitamin and mineral content should be permitted on alcoholic beverages. The suggestions above would help harmonize TTB's alcohol facts label with FDA's label in part, but the two should not be harmonized further. Because alcohol should not be seen as a source of nutrition, it is unnecessary to adopt the full nutrient labeling required because, as explained previously, vitamins and minerals considered to be positive nutrients could mislead consumers to believe that consumption of alcoholic beverages has significant nutritional value or other health-related benefits.

The importance of not emphasizing positive nutrients on alcohol given its known health harm was recently affirmed when Molson Coors settled a lawsuit for $9.5 million that alleged its advertisement of Vizzy hard seltzer as containing "antioxidant vitamin C from acerola superfruit" was misleading.[58] The plaintiffs alleged that claim was misleading on the grounds that most consumers already consume sufficient Vitamin C, the amount of Vitamin C added does not provide a proven health benefit, and alcohol consumption interferes with nutrient absorption. Due to the risk for consumer confusion and deceptive marketing of alcoholic beverages as healthy, vitamins, minerals (other than sodium), monounsaturated and polyunsaturated fats, and fiber should not be included as part of the alcohol facts statement.

7) The proposed tolerance levels for panel element calculation are appropriate.

We agree with the proposed tolerance of +/- 20% for each nutrient content element. These tolerances align with what is allowed on the Nutrition Facts statement mandated by FDA.[59] The ranges specified in the proposed rule are an improvement over the tolerances set forth in TTB Procedure 2020-1, which sets an upper but not lower tolerance limit for calories, carbohydrates, and fat, stating that products may be "within a reasonable range below the labeled or advertised amount" and a lower but not upper limit for protein.[60] The +/- 20% tolerance ranges strike a balance of being generous enough to allow for the option to use databases for standard products while still providing consumers information accurate enough to make informed choices about their health. The tolerance limits should not be increased as this would diminish their usefulness to consumers.

8) All products with 0.5% ABV or more should clearly list %ABV.

a. Beers Not Defined as "Malt Beverages" and Non-Alcoholic (NA) Beers

We agree with TTB's decision to mandate an alcohol content statement on the labels of beers not defined as "malt beverages." These products, which are under FDA labeling jurisdiction, are required to bear the "Nutrition Facts" panel, but consumers often miss out on vital alcohol content information because %ABV is not mandatory. This information is both important for public health and, as explained in the rule, would facilitate revenue protection by making it clear that the products are subject to tax.[1]

We also agree with TTB's decision to require an "Alcohol Facts" statement for non-alcoholic malt beverages under TTB control, but to not require a specific statement of the percentage of alcohol by volume. An "Alcohol Facts" statement is needed to inform consumers of their calorie and nutritional content, but since "non-alcoholic" is clearly defined for malt beverages, these products can be exempt from the requirement to disclose %ABV and fluid ounces of pure ethanol, as long as the proper terminology appears on-package. The phrase "contains less than 0.5 percent (or .5%) alcohol by volume" is currently required to appear directly adjacent to the term "non-alcoholic."[61]

b. Wine

We agree with TTB's proposal to require %ABV labeling on all wine. Percent ABV is currently only required on wines with less than 7% ABV or greater than 14% ABV (wines of 7-14% ABV can omit this information if labeled "table wine"),[62] but wine should not be exempt from providing accurate, specific mandatory statements of %ABV on label. Consumers can only make informed decisions about how much to drink if they have access to information on alcohol strength.

Labeling with only a %ABV range would leave consumers with incomplete information about the strength of wine. As mentioned above, this is basic information that consumers look for and mandating this information is robustly supported by consumers and important to their purchasing decisions. A %ABV range is not specific enough to fully inform consumers as there is double the amount of alcohol in a same-sized serving of a 14% ABV wine compared to a 7% ABV wine. With only a %ABV range, consumers may accidentally consume more alcohol than intended, which increases the risk of alcohol-related injuries and death.

9) **Clear formatting requirements are needed to ensure consumers can consistently find nutrition and alcohol content information.**

TTB is soliciting feedback on format and display of the "Alcohol Facts" panel including requests for comment on general formatting, linear display, and whether the option to provide "Alcohol Facts" solely via QR code should be allowed.

[1] Note: for beers not defined as "malt beverages" that are regulated by the FDA, TTB plans to use its authority under the Internal Revenue Code to require "Alcohol Facts" information on these products

a. General Formatting Recommendations

The proposed rule requires that the panel or linear display be offset within a box by use of hairlines with all black (or one color) type on a contrasting background in an easy-to-read type style that uses both upper- and lower-case letters. Minimum type size is 1 millimeter for smaller containers and 2 millimeters for larger containers. The terms "Alcohol Facts" and "Amount per serving" must appear in bold.

Overall we agree with these requirements, and request additional requirements for a larger type size for calories, minimum spacing and kerning, and a standardized font, all of which are required by FDA on the Nutrition Facts panel (*see Figure 5* for example of FDA-regulated alcohol).[63] However, linear formatting should only be allowed on very small containers. We also urge TTB to adopt greater specificity with regard to providing contrasting color, as this term is subject to potentially wide interpretation, and suggest that the TTB use language adopted by FDA in regulations for Nutrition Facts, which require that the disclosure "shall be all black or one color type, printed on a white or other neutral contrasting background whenever practical."[64] TTB should additionally specify, at minimum, that "contrasting background" does not include two different shades of the same color (as is popular on some beer cans currently and difficult to read) (*see Figure 6*).

b. Display Orientation and Format

The proposed rule allows for horizontal or vertical "Alcohol Facts". Requiring that this information appear in a horizontal format would increase the chances that consumers notice and utilize it, as a vertical format requires the consumer to take the additional step of turning the bottle sideways to access the information (*see Figure 4*). TTB should only allow vertical presentation of "Alcohol Facts" on smaller packages. A literature review prepared for Food Standards Australia New Zealand included "text to be printed horizontally rather than vertically" in a summary of factors that gain attention on food labels.[65]

TTB is soliciting feedback on whether consumers would have trouble locating an "Alcohol Facts" panel using a linear display. The current proposal allows for "Alcohol Facts" information to be displayed in either panel (*as shown in Figure 5*) or linear format (*as shown in Figure 6*), but linear formatting should only be allowed on smaller containers.

The panel format would make the "Alcohol Facts" information easier for consumers to locate and read compared to a linear display. TTB notes that they are providing this option to prevent businesses from having to purchase new equipment to add an additional label. A CSPI analysis of the labels of products from the top wine and beer brands (described above) found that, of wines and beers that contained serving information, only 5% used a block (also known as panel) format whereas 95% used the continuous (also known as linear) format.[14] This suggests a strong industry preference for this format and a likelihood that this will continue to be used heavily. Because the linear format is difficult for consumers to find and read, TTB should mandate panel format on most packages to avoid this outcome.

Currently, FDA only allows the option for linear presentation of the mandatory Nutrition Facts panel for products in very small packages, which does not include standard-size products, as such packages are large enough to carry nutrition facts and ingredients.[66] If linear display is allowed, it should be reserved as an option for containers below a certain size and required to appear in a box with the title "Alcohol Facts" in bold-face type to aid consumers in locating it.

Figure 5. FDA-regulated Angry Orchard Cider, 12-ounce bottle bearing Nutrition Facts panel using black type on white background

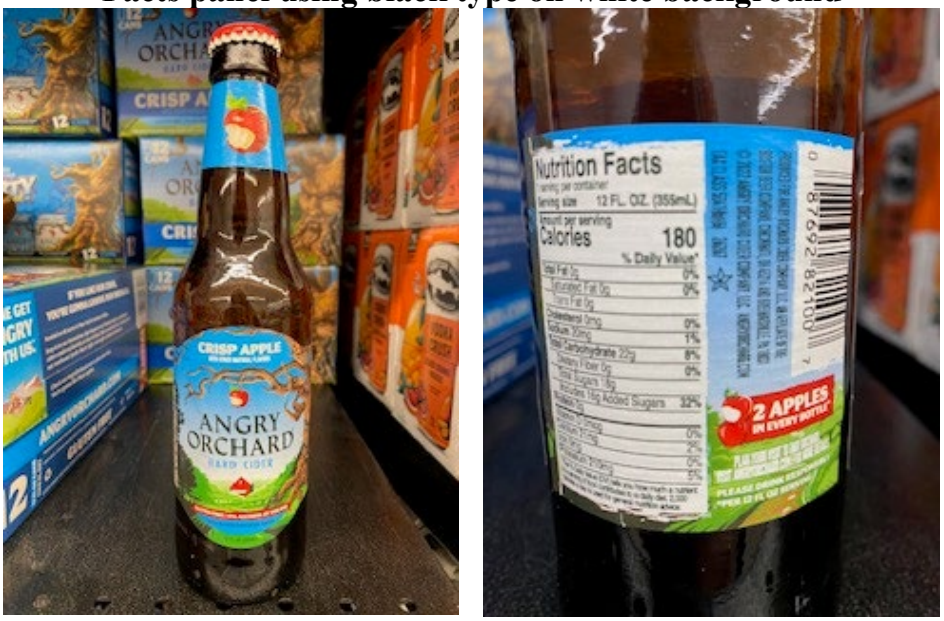

Photo: Christina LiPuma/CSPI

Figure 6. Blue Moon beer, 12-ounce bottle with linear, vertically formatted statement of average analysis using light blue type on on dark blue background

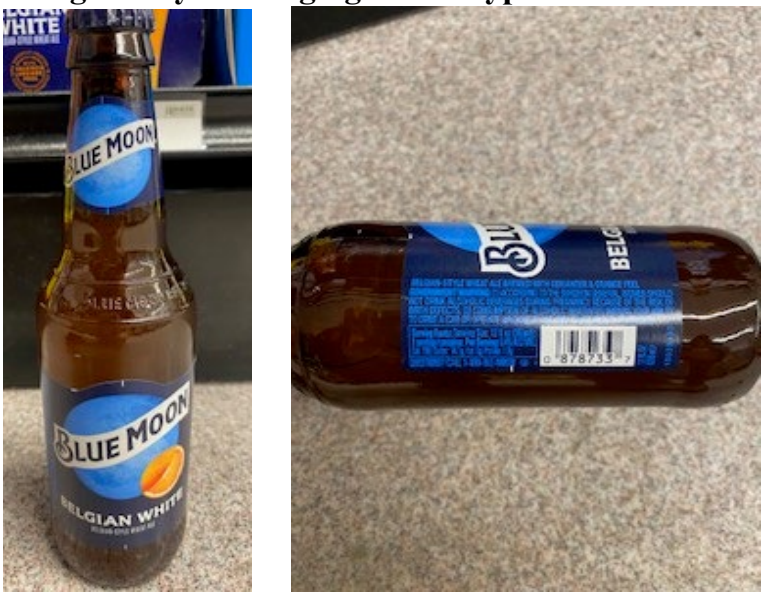

Photo: Christina LiPuma/CSPI

c. Maximum Type Size for %ABV on Malt Beverage

TTB should remove the maximum type size limitation for mandatory statements of alcohol content for wine and malt beverages that appear in an "Alcohol Facts" statement but specify instead that the %ABV must be the same size as the other text in the "Alcohol Facts" statement (no larger, no smaller). For malt beverages, there is no need for TTB to remove the maximum type size limitation for alcohol content statements that may appear elsewhere on the label, as this information would be easy to find alongside other important per-serving information in the "Alcohol Facts" panel.

d. Electronic Display Should Not be Allowed

We support TTB's proposed approach of requiring the alcohol content and nutrition information to be listed on the physical beverage container. There should not be an option to provide this solely via QR code. Electronic disclosure places a barrier between consumers and this vital health and safety information.

Consumers prefer to receive this information directly on the product packaging. In the March 2024 poll mentioned above, adults who drink alcohol were asked: "How would you prefer to learn about the ingredients, alcohol content, allergens, calories, and nutritional content of an alcoholic beverage?" Respondents could select one of four response options:

- Read this information on the label of the container
- Scan a QR code on the label
- Visit a website address provided on the label
- I do not want to learn this information

More than three quarters (76%) of respondents said they would prefer to read information on the label of the container, while only 11% preferred to scan a QR code. The desire to see this information on-package was particularly strong among respondents living in suburban (79%) and rural communities (78%) compared to those living in urban communities (70%) and respondents over the age of 65 (83%) compared to younger respondents (71% of respondents ages 21-34) (Appendix A).

Barriers created by QR code disclosures would disproportionately affect consumers who are older or have lower incomes. Accessing a QR code requires a smartphone, which not all consumers have, and Internet access coupled with good reception, which not all stores and drinking venues provide. In 2024, 84% of adults with annual incomes less than $30,000 owned smartphones compared to 96% of adults with an annual household incomes over $100,000.[67] These data show similar sized gaps in smartphone ownership by age, with 79% of adults aged 65 and older owning smartphones compared to 91 to 98% of adults in younger age groups.

Those living in rural or tribal areas would also be disproportionately impacted by lack of access to information if provided via QR code. A recent Federal Communications Commission's (FCC) report,[68] which included data from 2022, shows a rural-urban gap for access to high-speed mobile internet (defined as 5G-New Radio (5G-NR) with upload/download speeds at least 35/3

megabits per second (Mbps)) with 64% access in rural areas versus 98% in urban areas. People living in tribal areas also face lower rates of access to reliable mobile internet (78%) compared to those living in urban areas. Even rates of "fixed terrestrial services" (i.e., fixed broadband services excluding fixed satellite service) deployments at all internet speeds differ for rural versus urban versus tribal areas, with especially large gaps in access to internet speeds of 100/20 Mbps (which FCC uses as a benchmark to assess progress towards the goal of ensuring all Americans have access to "advanced telecommunications capability.") While 98% of Americans living in urban areas have access to fixed terrestrial service speeds of 100/20 Mbps, only 72% of those living in rural areas and 76% of those living in tribal areas have access to this internet service speed.

Moreover, loading information through a QR code takes time, further deterring use and prolonging purchasing decisions. A loading time of even a few seconds could prolong shopping time if comparing many products, making it less likely the information will be utilized.

Alcohol industry members will complain about the lack of label space and argue that it will cost extra to place this information on-package, but they are already providing a full nutrition facts panel on-package for all alcoholic beverages that fall under FDA's jurisdiction (*see Figure 5*). And non-mandatory label information, such as marketing, could be presented via QR code if industry members are concerned about label space.

10) The compliance period should be shortened to 3.5 years and harmonized with the allergens labeling rule to minimize cost.

Throughout the proposed rule, TTB is soliciting feedback on the cost that these changes might have for industry. Producers will incur some costs when implementing updated labeling requirements and may opt to pass these costs along to consumers. But alcohol manufacturers, including small producers, with products under FDA's jurisdiction have been successfully providing similar labels for years and remain economically viable. For example, most hard cider producers must comply with FDA labeling rules, and local and regional hard cider sales increased by 6% from 2022 to 2023,[69] demonstrating that small alcoholic beverage businesses can thrive while adhering to comprehensive labeling requirements. Additionally, some beverages are providing some of this information already on a voluntary basis. As mentioned above, an analysis of labels from top wine and beer brands that 63% of beers chose to include the statement of average analysis—proof that this is feasible.

It is also worth noting that higher prices for alcoholic beverages, assuming that manufacturers pass at least some of any added costs on to consumers, would not be a bad thing from a public health perspective. Policies that increase the price of alcohol decrease alcohol consumption.[70] Alcohol prices and taxes are inversely associated with alcohol-related morbidity and mortality including violence, traffic crash fatalities, and drunk driving.[71] An increase in the price of alcoholic beverages could help those who drink to better adhere to moderate drinking guidelines and lead to a reduction in alcohol-related morbidity and related costs.

Still, it is understandable that TTB is conscious of the price of these changes and the costs of relabeling are such that the impact upon price will be limited. Costs can be minimized by selecting a fair compliance deadline and coordinating the compliance deadline with the allergen labeling rule.

a. Selecting a Fair Compliance Date

The proposed compliance period of 5 years is too long. According to FDA, food and beverage products tend to be voluntarily relabeled on a 2-5 year cycle, with most products undergoing voluntary label changes at least every 2-3 years.[72] Generally, the cost of label changes includes new labeling equipment (if needed) and any costs associated with label redesign, printing, and administrative costs. While extra staff time for mandatory label specific changes may add slight cost, when label changes for regulatory purposes coincide with changes the manufacturer would have made to their label in any case, the analysis estimates that there is minimal additional cost for the label design change to the manufacturer if no new labeling equipment is needed.

TTB's own economic estimates demonstrate that the extended 5-year cycle is unnecessary as it provides little to no cost savings relative to a 3.5-year compliance period. The agency model assumes that for brand name products, 100% of changes would overlap with a regularly scheduled change within 2 years and that private labels, which make up a smaller share of the market, would be able to coordinate 100% of their changes by the 3.5-year mark. The model estimates that there are per-UPC cost reductions in extending the compliance period from 2 years to 3.5 years, but from 3.5 years onward the cost per UPC does not decrease further. Similarly, the total cost would not decrease further by extending the compliance period out past 3.5 years.

Another metric used in TTB's analysis, the total cost using a 2% discount rate, similarly sees a dramatic decrease in the total cost when extending the deadline from 2 years to 3.5 years ($323.4 million at 2 years down to $259.5 million at 3 years and down to $204.3 million 3.5 years). However, the reduction in price is far smaller when extending from a 3.5- to a 5-year compliance period, which reduces the discounted total by only ~$3 million more (1.5%). Based on TTB's own analysis, a 3.5-year compliance period would be more than fair and strike a balance between minimizing cost to industry and getting consumers access to important and long overdue information in a timely fashion.

b. Coordinating Compliance Date Among Other TTB Rulings

To further minimize costs, we recommend that TTB align the compliance dates for the two current proposed rules. We also urge TTB to release the third rule on ingredients labeling, which was previously sent to the Office of Information and Regulatory Affairs.[73] This is a pre-rule and as such would likely take much longer than the other two rules to finalize. Because full coordination of all three rules would likely lead to significant delay of the first two rules, we recommend that compliance dates on only the first two rules be coordinated.

11) Conclusion

Increased transparency for alcohol labeling is desired by consumers and long overdue. We hope that TTB will move swiftly to finalize this proposed rule with the adjustments described above so that consumers can have access to the nutrition and alcohol content information that they want and need to make informed decisions about their health.

Sincerely,

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Appendix A.

Table 1. Consumers' preferred way to learn about the ingredients, alcohol content, allergens, calories, and nutritional content of an alcoholic beverage (n= 1,509 U.S. adults who drink alcohol)*

		Read this information on the label of the container	Scan a QR code on the label	Visit a website address provided on the label	I do not want to learn this information
Total		76%	11%	7%	6%
Sex	**Male**	74%	12%	8%	5%
	Female	77%	11%	6%	6%
Age (years)	**21 to 34**	71%	13%	10%	6%
	35 to 44	73%	15%	9%	4%
	45 to 54	74%	14%	6%	6%
	55 to 64	80%	11%	4%	5%
	65 and older	83%	5%	4%	8%
Region	**North East**	81%	9%	6%	4%
	Midwest	79%	11%	6%	5%
	South	74%	13%	8%	6%
	West	72%	12%	8%	8%
Race	**Non-Hispanic White**	79%	10%	6%	5%
	Non-Hispanic Black	70%	13%	13%	5%
	Hispanic (Any race)	67%	15%	8%	10%
Annual Household Income	**Less than $50,000**	72%	11%	9%	8%
	$50,000 - less than $100,000	79%	10%	7%	4%
	$100,000 or more	79%	13%	5%	4%
Children in Household?	**No**	78%	10%	6%	6%
	Yes	70%	15%	9%	6%
Education	**High school grad or less**	72%	11%	8%	9%
	Some college	73%	14%	7%	6%
	College grad or more	81%	10%	6%	3%
Type of Community	**Urban**	70%	14%	9%	8%
	Suburban	79%	10%	7%	4%
	Rural	78%	10%	6%	7%

*Weighted sample by age, sex, geographic region, race, and education to ensure reliable and accurate representation of the total U.S. population 18 years and older. Results reported reflect an analysis of responses from the 1,509 respondents who indicated that they drank alcohol at least once in the past year. Data source: 2024 CARAVAN survey conducted by Big Village among a sample of adults 21 years of age and older.

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